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**Natural Resources, Ecology &  
Parks Committee**

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**ESB 5710**

**Brief Description:** Concerning the removal of mercury-added components in motor vehicles.

**Sponsors:** Senators Poulsen, Swecker, Brown, Rockefeller, Regala, Pridemore, Kline, Rasmussen and Kohl-Welles.

**Brief Summary of Engrossed Bill**

- Requires motor vehicle manufacturers to submit, and have approved by the state, a plan for the recovery of mercury-added components from motor vehicles.
- Makes unlawful the shredding or crushing of a vehicle that contains mercury-added components.
- Makes unlawful the false representation that the mercury-added components have been removed from a motor vehicle.

**Hearing Date:** 3/24/05

**Staff:** Jason Callahan (786-7117).

**Background:**

Certain products with mercury-added components are now, or will be soon, prohibited from sale within the state. These include florescent lamps, novelties, thermostats, and certain types of medical equipment. New motor vehicles with an automotive mercury switch will be prohibited from sale in Washington on January 1, 2006.

**Summary of Bill:**

Prohibitions

It is unlawful for a vehicle to be shredded or crushed if all mercury-added components that can be removed have not been removed. Automobile crushers and shredders may rely on reasonable evidence provided by motor vehicle recyclers that all mercury-added products have been removed. Vehicles imported from out of state may only be shredded if the recycler can ensure that the out-of-state supplier has removed all mercury-added components.

It is also unlawful for a person to falsely represent that mercury-added components have been removed from a vehicle.

#### Role of manufacturers in the recovery of mercury-added components

Every vehicle manufacturer is responsible for ensuring the recovery of at least 90 percent of the mercury-added components from cars that are at the end of their useful life. To accomplish this, each manufacturer is required to develop and implement a plan for the removal, collection, and recovery of mercury-added components from vehicles within 90 days of the legislation's effective date.

There are certain minimum elements that are required in the recovery plan. These include:

- Education and financing details;
- Information about which models and years contain mercury;
- Descriptions of performance measures and processes to document success;
- A system to mark vehicles that are to be shredded or crushed;
- A plan to properly dispose of removed components.

In addition to the plan, the manufacturer must submit annual reports to the Department. These reports must contain documentation of the capture rate for the mercury-added components, how the mercury was managed, and how the capture rate will be approved.

Manufacturers are responsible for the costs of recovering mercury-added components, including labor, shipping, training, and costs to the state for administration. In addition, manufacturers must hold harmless the recyclers for any liability that arises from the release of mercury from components that have been returned for recovery.

#### Role of the state in the recovery of mercury-added components

The Director of the Department is required to review and approve all plans submitted from motor vehicle manufacturers. Upon the receipt of a plan, the Director has 60 days to review the plan for compliance with all requirements. If the plan meets these requirements, then its implementation must begin within 90 days of the Director's approval. If the plan is rejected by the Director, then the manufacturer must submit a new plan within 30 days of notification.

If a manufacturer is not able to submit an approved plan within 240 days of the effective date of the legislation, then the Director must consider the manufacturer to be in violation of the law. This violation would trigger the enforcement provisions established in the legislation.

All approved plans must be reviewed every three years.

#### Enforcement

Violations of this legislation are punishable by a civil penalty up to \$1,000 per violation per day. Money collected is directed towards the state toxics control account.

**Appropriation:** None.

**Fiscal Note:** Requested on 3/16/05.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.